

## **REMARKS**

### **FORMAL MATTERS:**

Claims 1, 3-7, 9, 10, 18, 19 and 31-33 are pending after entry of the amendments set forth herein.

Claims 2, 8, 11-17, 20-30 and 34 are canceled without prejudice.

Claims 1 and 7 are amended.

The amendments to claim 1 are fully supported within the language contained with amended claim 9 which the Examiner has indicated as allowable. In view of the amendments to claim 1 to specify the manner in which the prions are produced the language at the end of claim 7 was redundant and as such has been deleted. For similar reasons claims 8 and 29 have been canceled. No new matter has been added.

### **35 U.S.C. §112 REJECTIONS**

Claims 1, 3-8, 18, 19, 29 and 31 were rejected under 35 U.S.C. §112, first paragraph. The rejection is traversed as applied and as it might be applied to the presently pending claims. Applicants point out that the rejection essentially argues that the specification does not teach how to make transgenic mice other than the specific transgenic mice which are recited within claim 9. For this reason claim 9 was not rejected.

Applicants do not acquiesce to the rejection. However, applicants wish to expedite prosecution of the application. In view of such claim 1 has been amended to incorporate the limitations contained within the final paragraph of claim 9 with respect to specifically identifying the transgenic mice. In view of such the rejection is believed to have been overcome. Applicants point out that the rejection was not applied against independent claims 9, 32 and 33 and that each of these claims recite specifically identified transgenic mice.

### **35 U.S.C. §103 REJECTION**

Claims 1, 4 and 6 were rejected under 35 U.S.C. §103 over a publication to Stahl et al. The rejection is traversed as applied and as it might be applied to the presently pending claims. Applicants point out that the rejection was not applied against independent claims 9, 32 and 33. Without acquiescing to the rejection and to expedite prosecution the remaining independent claim, which is claim

1, has been amended to incorporate the limitations of the final paragraph of claim 9 relating to identifying specific transgenic mice. Accordingly, the rejection is believed to be rendered moot.

#### **ALLOWABLE CLAIMS**

The Office Action indicated that claims 9, 10 and 33 were allowable. Applicants appreciate the indication of the allowability of these claims. However, it appears as though the Office Action should have read that claims 9, 10, 32 and 33 were allowable. The specific basis of the rejections all appear to rely on the claims not identifying a specific transgenic mouse and such is identified within claim 32. Accordingly, claim 32 is also believed to be in a form such that it overcomes all of the rejections put forth.

#### **CONCLUSION**

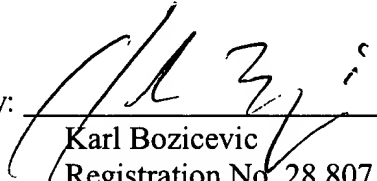
Claim 1 has been amended to incorporate limitations from claim 9 to identify specific transgenic mice. In view of the amendment to claim 1 dependent claim 7 has been amended and dependent claims 8 and 29 have been canceled. Although applicants do not acquiesce to the rejections it appears to the applicants that the rejections have been rendered moot by the amendment to claim 1 which would appear to place all of the claims in condition for allowance. An indication of such is respectfully requested.

If applicants undersigned attorney has misunderstood the rejection and minor changes are needed to place the application in condition for allowance the Examiner is requested to contact the undersigned attorney at the indicated telephone number to arrange for an interview to expedite disposition of this application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-056CIP4.

Respectfully submitted,  
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Date: 3/DEC/04

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